

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

WILLIAM F. HOLDNER and
RANDAL W. HOLDNER,

Plaintiffs,

v.

RICK A. YARNALL et al.,

Defendants.

No. CV05-1961-PK

OPINION AND ORDER

MOSMAN, J.,

On April 4, 2006, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#21) in the above-captioned case recommending defendants' motions to dismiss for lack of subject matter jurisdiction (## 8, 10) be granted and the case be dismissed without prejudice.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United*

States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review, I agree with Judge Papak's recommendation, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 20th day of April, 2006.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court